

Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-02 INR-10
L-03 NSAE-00 NSC-05 PA-02 SP-02 SS-15 ICA-20
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R 260410Z MAY 78
FM AMEMBASSY PORT MORESBY
TO SECSTATE WASHDC 3307
INFO AMEMBASSY CANBERRA
AMEMBASSY JAKARTA
AMEMBASSY TOKYO
CINCPAC HONOLULU

UNCLAS SECTION 1 OF 2 PORT MORESBY 0791

TOKYO FOR RFO

CINCPAC ALSO FOR POLAD

E.O. 11652: N/A
TAGS: PBOR, PEPR, AS,PP
SUBJECT: FOREIGN MINISTER REPORTS PROGRESS ON
TORRES STRAIT

1. SUMMARY: FOREIGN MINISTER OLEWALE PRESENTED TO
PARLIAMENT ON MAY 25 A REPORT ON PRINCIPAL BASIC ELEMENTS
WHICH HE AND AUSTRALIAN FONMIN PEACOCK HAVE AGREED WILL BE
INCLUDED IN TREATY DELIMITING BOUNDARY BETWEEN TWO NATIONS.
FONOFF OFFICIAL TOLD US NEGOTIATIONS NOW 95 PERCENT COMPLETE.
END SUMMARY.

2. FONMIN OLEWALE PRESENTED TO PARLIAMENT ON MAY 25, AN
ACCOUNT OF PRINCIPAL POINTS ALREADY AGREED TO BY HIM AND
AUSTRALIAN FONMIN PEACOCK FOR INCLUSION IN THE TREATY TO
BE CONCLUDED ON MARITIME BOUNDARIES BETWEEN THEIR TWO
COUNTRIES AND ON OTHER MATTERS RELATING TO TORRES STRAIT.
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3. PREFACING HIS REPORT WITH COMMENTS ON THE EXTREME
COMPLEXITY OF THE MARITIME BOUNDARY SITUATION AND THE
IMPORTANCE OF THESE LONG NEGOTIATIONS TO BOTH COUNTRIES,
OLEWALE DESCRIBED THE PACKAGE AS FAIR, EQUITABLE, DESIGNED
TO MEET THE PECULIAR NEEDS OF THE PEOPLE OF THE AREA AND
AS GUARANTEEING FREEDOM OF MOVEMENT FOR SHIPS AND AIRCRAFT.

4. MAIN TREATY PROVISIONS FOLLOW.

A. THERE WILL BE A SEABED RESOURCES DELIMITATION LINE RUNNING THROUGH THE WHOLE AREA BETWEEN THE TWO COUNTRIES AND LOCATED AS INDICATED ON THE TWO MAPS.

B. THERE WILL SIMILARLY BE A LINE DELIMITING THE SWIMMING FISHERIES RESOURCES JURISDICTION BETWEEN THE TWO COUNTRIES. IN THE CENTRAL TORRES STRAIT AREA, IT WILL RUN TO THE NORTH OF THE ISLANDS OF BOIGU, DAUAN AND SAIBAI AS SHOWN ON THE TWO MAPS. TO THE EAST AND THE WEST OF THAT AREA IT WILL COINCIDE WITH THE SEABED LINE.

C. IN THE TREATY, AUSTRALIA WILL RECOGNISE PAPUA NEW GUINEA SOVEREIGNTY OVER THE ISLANDS OF KAWA, MATA KAWA AND KUSSA; PAPUA NEW GUINEA WILL RECOGNISE AUSTRALIAN SOVEREIGNTY OVER ALL THE AUSTRALIAN ISLANDS IN THE TORRES STRAIT SHOWN ON MAP II AS LYING NORTH OF THE SEABED LINE.

D. AS SHOWN ON THE MAPS, THE TERRITORIAL SEAS OF THE AUSTRALIAN ISLANDS NORTH OF THE SEABED LINE, AND OF PAPUA NEW GUINEA IN THE AREA BETWEEN BOIGU AND DAUAN, WILL BE A MAXIMUM OF THREE NAUTICAL MILES, AND A TERRITORIAL SEA BOUNDARY WILL BE DELIMITED BETWEEN PAPUA NEW GUINEA AND BOIGU, DAUAN AND SAIBAI. NEITHER COUNTRY WILL IN FUTURE EXTEND ITS TERRITORIAL SEA ACROSS THE SEABED LINE.

E. A PROTECTED ZONE WILL BE ESTABLISHED IN THE TORRES STRAIT IN THE AREA SHOWN ON THE MAPS. WITHIN THIS ZONE

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THE PAPUA NEW GUINEANS WHO LIVE IN THE ADJACENT COASTAL AREA AND THE TORRES STRAIT ISLANDERS WILL BE ABLE TO CONTINUE THEIR TRADITIONAL ACTIVITIES AND TO MOVE FREELY ABOUT THE ZONE FOR THIS PURPOSE.

F. THERE WILL BE AN EMBARGO ON MINING AND OIL DRILLING OF THE SEABED THROUGHOUT THE PROTECTED ZONE FOR 10 YEARS FROM THE DATE OF ENTRY INTO FORCE OF THE TREATY. THIS MIGHT BE RENEWED THEREAFTER BY AGREEMENT.

G. THE TREATY WILL INCLUDE FURTHER PROVISIONS RELATING TO THE PROTECTED ZONE WHICH WILL COVER AGREED PRINCIPLES, PARALLEL MEASURES TO BE TAKEN BY, AND CO-OPERATION BETWEEN THE TWO GOVERNMENTS TO PROVIDE FOR THE FOLLOWING MATTERS:

I. THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT;

II. THE MANAGEMENT AND CONSERVATION OF FISHERIES RESOURCES;

III. THE PROTECTION OF PLANT AND ANIMAL LIFE; AND

IV. THE PREVENTION AND CONTROL OF POLLUTION.

H. THE TREATY WILL MAKE PROVISION FOR DETAILED BILATERAL ARRANGEMENTS COVERING JOINT CONSERVATION, MANAGEMENT AND SHARING OF THE COMMERCIAL PROTECTED ZONE FISHERIES. BOTH GOVERNMENTS WILL CONSULT AND

CO-OPERATE IN THE ISSUE AND ENDORSEMENT OF LICENSES.
THE LICENSING ARRANGEMENTS WILL HAVE REGARD TO THE
DESIRABILITY OF PROMOTING ECONOMIC DEVELOPMENT AND
EMPLOYMENT OPPORTUNITIES IN THE ADJACENT COASTAL AREA
OF PAPUA NEW GUINEA AND THE OTHER PARTS OF THE
TORRES STRAIT, AND THE PEOPLE OF THE AREA WILL BE
CONSULTED ABOUT THESE ARRANGEMENTS.

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UNCLAS SECTION 2 OF 2 PORT MORESBY 0791

TOKYO FOR RFO

CINCPAC ALSO FOR POLAD

I. THE SHARING OF THE COMMERCIAL PROTECTED ZONE FISHERIES
WILL BE ON THE BASIS THAT PAPUA NEW GUINEA WILL HAVE AN
OVERALL SHARE OF 25 PER CENT OF THE COMMERCIAL FISHERIES
IN WATERS UNDER AUSTRALIAN JURISDICTION; AUSTRALIA WILL
HAVE AN OVERALL SHARE OF 25 PER CENT OF THE COMMERCIAL
FISHERIES IN WATERS UNDER PAPUA NEW GUINEA JURISDICTION.
THE SHARE IN THE TERRITORIAL SEAS OF THE AUSTRALIAN
UNINHABITED ISLANDS NORTH OF THE SEABED LINE OTHER THAN
TURNAGAIN, HOWEVER, WILL BE ON A 50/50 BASIS AND PAPUA
NEW GUINEA WILL HAVE 100 PER CENT OF THE COMMERCIAL
BARRAMUNDI FISHERY NEAR THE PAPUA NEW GUINEA COAST,
EXCLUDING THE TERRITORIAL SEAS OF SAIBAI, DAUAN AND BOIGU.
EACH COUNTRY WILL HAVE PREFERENCE AGAINST THIRD COUNTRIES
TO TAKE UP ANY SURPLUS OF THE OTHER COUNTRY'S SHARE OF
THE COMMERCIAL PROTECTED ZONE FISHERIES. THIRD STATE

OPERATORS WILL NOT NORMALLY BE LICENSED TO EXPLOIT
THOSE FISHERIES UNLESS AGREED BY PAPUA NEW GUINEA AND
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AUSTRALIA.

J. IN RELATION TO THE PROTECTED ZONE PROVISIONS
PERMITTING FREEDOM OF MOVEMENT BY THE LOCAL PEOPLE IN THE
CARRYING ON OF TRADITIONAL ACTIVITIES, THE TREATY WILL
PROVIDE FOR CO-OPERATION ON IMMIGRATION, CUSTOMS, HEALTH
AND QUARANTINE ARRANGEMENTS. HOWEVER, EACH COUNTRY WILL
RETAIN THE RIGHT TO IMPLEMENT NATIONAL CONTROLS TO PREVENT
ABUSES OR OTHER POSSIBLE ADVERSE EFFECTS OF THOSE PROTECTED
ZONE PROVISIONS.

K. THERE WILL BE LIAISON ARRANGEMENTS TO ENSURE THE
EFFECTIVE WORKING OF THE PROTECTED ZONE PROVISIONS OF THE
TREATY. THESE WILL INCLUDE A BODY, WHICH MIGHT BE CALLED
THE TORRES STRAIT INTER-GOVERNMENTAL ADVISORY AND
CONSULTATIVE COMMITTEE, THAT WILL BE RESPONSIBLE TO THE
TWO FOREIGN MINISTERS. ON THE COMMITTEE, PROVINCIAL AND
STATE GOVERNMENTS AND THE LOCAL PEOPLE WILL BE REPRESENTED.
IN ADDITION, SENIOR NATIONAL GOVERNMENT OFFICIALS WILL BE
NOMINATED TO FACILITATE, AT THE LOCAL LEVEL, THE IMPLEMEN-
TATION TO PROTECTED ZONE ARRANGEMENTS.

1. THE TREATY WILL CONTAIN PROVISIONS COVERING APPROPRIATE
GUARANTEES OF NAVIGATION, PASSAGE AND OVERFLIGHT.

5. OLEWALE ADDED THAT PEACOCK WOULD BE MAKING SIMILAR
REPORT TO AUSTRALIAN PARLIAMENT AND THAT THEY WOULD
MEET AGAIN IN A FEW WEEKS TIME TO MAINTAIN MOMENTUM.

6. OLEWALE'S STATEMENT, AN OUTLINE OF BASIC ELEMENTS
AGREED TO AND ILLUSTRATIVE MAPS BEING POUCHED TO EA/ANP.

7. FONOFF OFFICIAL TOLD US A FEW SUBSTANTIVE ISSUES,
INVOLVING SUCH THINGS AS OVER-FLIGHT IN CERTAIN AREAS,
REMAIN BUT THAT NEGOTIATIONS ARE 95 PERCENT COMPLETED
AND OUTLOOK OPTIMISTIC.

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